

AB:DEL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

TOM BLAHA,

Defendant.

- - - - - X

TO BE FILED UNDER SEAL

AFFIDAVIT AND COMPLAINT
IN SUPPORT OF AN
APPLICATION FOR AN
ARREST WARRANT

(T. 18, U.S.C., § 2252(a)(4)(B))

20-MJ-172

EASTERN DISTRICT OF NEW YORK, SS:

Krista Cousins, being duly sworn, deposes and states that she is a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”), duly appointed according to law and acting as such.

On or about December 18, 2019, within the Eastern District of New York, the defendant TOM BLAHA did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images on a Lenovo Yoga 900s laptop that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B)).

The source of your deponent's information and the grounds for her belief are as follows¹:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and have been since 2017. I am currently assigned to the Child Exploitation Investigations Unit. During my tenure with HSI, I have participated in investigations targeting individuals involved in the receipt, distribution and possession of child pornography and have conducted physical and electronic surveillance, executed search warrants, reviewed and analyzed electronic devices, and interviewed witnesses. As part of my employment with HSI, I successfully completed the Federal Law Enforcement Training Center's Criminal Investigator Training Program and Immigration and Customs Enforcement Special Agent Training, both of which included instruction with respect to the application for, and execution of, search and arrest warrants, as well as the application for criminal complaints, and other legal processes. As part of my responsibilities, I have been involved in the investigation of child pornography cases and have reviewed photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from my personal participation in the investigation, my review of documents, my training and

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

experience and discussions I have had with other law enforcement personnel. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. In or about November 2019, HSI received information from the National Center for Missing and Exploited Children (“NCMEC”) indicating that a Facebook account belonging to an individual named TOM BLAHA (“BLAHA”) had communicated with another Facebook account belonging to an apparent minor located in the Philippines (the “Victim”), and that such communications reflected the apparent enticement of a minor to engage in sexual activity, travel from the United States to the Philippines to engage in sexual activity with a minor, and the creation and sale of child pornography. The information received from the NCMEC included details relating to the accounts such as user name, ID number, e-mail address and IP addresses used to access the Facebook accounts.

4. The account belonging to BLAHA has the unique user ID “1132805002” (the “BLAHA ACCOUNT”). The information received from the NCMEC indicates that the BLAHA ACCOUNT connected to the Internet from different locations within Long Island, New York on October 8, 2019, and October 9, 2019. The BLAHA ACCOUNT also connected to the Internet from Manila, Philippines, on or about October 17, 2019. The BLAHA ACCOUNT is registered to an individual with a given username of “Tom Blaha,” a date of birth of April 1, 1956, and an e-mail address of tom_blahe@msn.com.

5. Customs documents and passport records indicate BLAHA traveled to the Philippines on or about September 14 to September 26, 2019, and October 10 to October 26, 2019.

6. According to information from NCMEC, the BLAHA account communicated with an account belonging to an individual believed to be a minor, who is located in the Philippines (the "Victim Account").² Based on messages exchanged between the accounts, which the NCMEC received and then forwarded to HSI, it appears that BLAHA and the Victim had met in person and engaged in sexual activity at least once before September 20, 2019, in exchange for money.

7. The Honorable Sanket J. Bulsara signed a search warrant authorizing a search of the Facebook accounts of BLAHA and the Victim from the time period of January 1, 2019, to December 6, 2019. See Case No. 19-1141M.

8. This search not only revealed communications with the Victim, but also that BLAHA account had sent and received other images of girls, who in my training and experience, appear to be minors in sexually explicit images.

9. HSI served a subpoena to Optimum for the IP information provided by Facebook for the BLAHA ACCOUNT from the time period of October 8, 2019 and October 9, 2019, corresponding to activity on the BLAHA ACCOUNT provided in the NCMEC report. Records obtained by Optimum reveal that the BLAHA ACCOUNT was accessed from an IP Address 24.189.120.182, which lists the subscriber of record as TOM BLAHA and

² Based on information and belief, the Victim is under the age of 18. On or about December 2, 2019, HSI agents reviewed the Victim Account, which is publicly accessible and contains a large number of photographs of a young female who is the apparent owner of the account – i.e., the Victim. Based on the physical appearance of the individual depicted in those photos, the Victim is well under the age of 18 and may be as young as 13 or 14. Furthermore, in certain of the photos, the Victim is wearing a school uniform that appears to be consistent with those often worn by students in middle school or high school. On April 5, 2019, the Victim posted a "Certificate of Achievement" from an elementary school in the Philippines, indicating she is 14 years old or younger.

corresponds to the physical address of 17 Meadow Street, Garden City, New York.

According to publicly available records, TOM BLAHA resides at 17 Meadow Street, Garden City, New York (the "Residence").

10. Based on this information, on December 13, 2019, the Honorable Robert Levy, United States Magistrate Judge, signed a warrant to search the Residence and to seize evidence, including electronic storage devices. See Case No. 19-1161-M.

11. On or about December 18, 2019, HSI executed the warrant at the Residence. The defendant TOM BLAHA was present at the Residence during the execution. During the search, evidence was seized, including a Lenovo Yoga 900s laptop ("Seized Laptop").

12. A certified computer forensics agent conducted a forensic analysis of the Seized Laptop for evidence of child pornography and the sexual exploitation of children. Based on that analysis, my conversations with other law enforcement officers, and my training and experience, I determined that the Seized Laptop contained approximately 530 files of child pornography, including:

- a. 5b2c6480b7577996.jpg: An approximately 4 to 6 year-old female, lying on a bed fully nude, legs spread open exposing her vagina. An apparent adult male is penetrating the female child's vagina with his penis;
- b. 47af93874f5dc7a0.jpg: An approximately 4 to 6 year-old female child, lying naked on her back, legs spread, exposing her vagina and anus. The female child appears to be restrained on a table with rope. The victim's arms are tied above her head and her legs are held open by the rope, exposing her vagina and anus;
- c. ad3b6e8159978688.jpg: An approximately 9 to 11 year old female child with an apparent leash or strap fashioned around her

neck. The female child has an apparent adult male penis inserted into her mouth; and


- d. 171d408f3a5157dc.jpg: An approximately 4 to 6 year old female child, nude on a bed exposing her anus. An adult male is sitting on the female child's legs, holding his penis with one hand and appearing to be holding the female child down with the opposite hand. There is semen on the female child's buttocks.

Victim. 13. The Seized Laptop also contained images of the defendant and the

- 14. During the search, the defendant was interviewed and stated that he:
 - a. was the sole occupant of the Residence;
 - b. owned the Seized Laptop;
 - c. communicated with the Victim; and
 - d. traveled to the Philippines.

15. Because public filing of this document could result in a risk of flight by the defendant, as well as jeopardize the government's ongoing investigation, your deponent respectfully requests that this complaint, as well as any arrest warrant issued in connection with this complaint, be filed under seal.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant TOM BLAHA, so that he may be dealt with according to law.



KRISTA COUSINS
Special Agent
Department of Homeland Security

Sworn to before me this
19th day of February, 2020

THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK